



October 21, 2016

Via ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007-1312

RE: *Detention Watch Network, et al., v. ICE, et al.*, 14-cv-0583

Dear Judge Schofield:

Plaintiffs respectfully write to respond briefly to the October 18, 2016 letter from Bradley Simon on behalf of Corrections Corporation of America (“CCA”) and the Geo Group (“GEO”) (Docket No. 158) (“October 18 Letter”). The October 18 Letter repeats many of the arguments made in CCA’s and GEO’s first letter seeking a stay of the government’s production (Docket No. 147). As in their initial letter seeking a stay, CCA and GEO fail to articulate any chance of success on the merits of their appeal of the Court’s summary judgment order and thus fail, again, to meet the Second Circuit requirements for a stay. *McCue v. City of New York (In re World Trade Ctr. Disaster Site Litig.)*, 504 F.3d 167, 170 (2d Cir. 2007).

While Plaintiffs object to a stay of the government’s production of unredacted documents, Plaintiffs reiterate that there is no objection to CCA’s and GEO’s request that the Court issue an order clarifying its July 14, 2016 Opinion and Order granting summary judgment to Plaintiffs (Docket No. 123). CCA and GEO claim that there is doubt that the order is appealable or that it ordered production of the information withheld by the government. Although Plaintiffs disagree with this position (*see* July 14, 2016 Order at 1, ordering that “the information must be produced”), Plaintiffs wish to avoid unnecessary delay in resolution of the underlying issues, and have no objection to the Court’s issuing a clarifying order *nunc pro tunc* to July 14, 2016 ordering the government to produce information improperly withheld pursuant to Exemptions 4 and 7(e).

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ghita Schwarz'.

Ghita Schwarz

Cc: Counsel of Record (By ECF)